

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**GEORGE FOWLER and
CRISTINA FOWLER**



PLAINTIFFS

V.

Civil No.1:06CV489-HSO-RHW

**STATE FARM FIRE &
CASUALTY COMPANY,
HAAG ENGINEERING, and
STEVE SAUCIER**

DEFENDANTS

**ORDER AND REASONS GRANTING THE MOTION FOR
RECONSIDERATION OF DEFENDANTS STEVE SAUCIER
AND STATE FARM FIRE & CASUALTY COMPANY AND THE JOINDER
THEREIN BY DEFENDANT HAAG ENGINEERING**

This cause came on for hearing before the Court on the Motion for Reconsideration [298-1] filed by Defendants Steve Saucier and State Farm Fire & Casualty Company, in the above-captioned cause on October 15, 2007, asking the Court to reconsider its Order [289-1] of March 20, 2008, which denied those Defendants' Motion for Partial Summary Judgment on Plaintiffs' Fraud-Based Claims and Misrepresentation Claims [167-1]. Defendant Haag Engineering filed a Joinder [290-1] to the Motion [298-1] and sought reconsideration of the Court's Order [288-1] of March 20, 2008, which denied in part and granted in part Haag's Motion for Summary Judgment [165-1], and left only Plaintiffs' conspiracy to defraud claim pending against Haag. Plaintiffs filed a Memorandum in Opposition [308-1] to the Motion on April 21, 2008, and Defendants Steve Saucier and State Farm Fire & Casualty Company filed their Reply [313-1] on April 28, 2008. Defendants Steve Saucier and State Farm Fire & Casualty Company subsequently

filed a Notice of Supplemental Authority [319-1] on May 21, 2008.

After conducting an extensive hearing on May 30, 2008, the Court carefully considered the arguments of counsel, the exhibits and pleadings on file, and the relevant legal authorities. For the reasons more fully stated on the record at the conclusion of the hearing on May 30, 2008, the Court finds that Mr. Saucier and State Farm's Motion for Reconsideration [298-1] and Haag Engineering's Joinder [299-1] therein must be granted. Consequently, Mr. Saucier and State Farm's Motion for Partial Summary Judgment as to Plaintiffs' Fraud-Based Claims and Misrepresentation Claims [167-1], which the Court previously denied, should be granted, and Haag Engineering's Motion for Summary Judgment [165-1], which the Court previously denied in part insofar as Plaintiffs' claim of conspiracy to defraud against Haag, should also be granted. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated herein and for the reasons more fully stated on the record at the hearing on May 30, 2008, the Motion for Reconsideration [298-1] of Defendants Steve Saucier and State Farm Fire & Casualty Company, and Haag Engineering's Joinder [299-1] therein, should be and are hereby **GRANTED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, for the reasons stated herein and for the reasons more fully stated on the record at the hearing on May 30, 2008, the Motion for Partial Summary Judgment as to Plaintiffs' Fraud-Based Claims and Misrepresentation Claims of Defendants Steve Saucier and State Farm Fire & Casualty Company [167-1], should be and is hereby **GRANTED**, and

Plaintiffs' fraud-based and misrepresentation claims against State Farm Fire & Casualty Company and Steve Saucier, including any claims for Fraud and Misrepresentation contained in Count II of the Complaint, Injunction or Equitable Estoppel contained in Count VIII, Reformation of Insurance Contract Based on Equitable Fraud contained in Count X, and the Misrepresentation claim against Mr. Saucier contained in Count XXI, must be and are hereby **DISMISSED WITH PREJUDICE**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, for the reasons stated herein and for the reasons more fully stated on the record at the hearing on May 30, 2008, Haag Engineering's Motion for Summary Judgment [165-1] should be and is hereby **GRANTED** in its entirety, and all claims asserted against Defendant Haag Engineering, including the conspiracy to defraud claim, are hereby **DISMISSED WITH PREJUDICE**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, for the reasons more fully stated herein, all remaining pending motions filed by Defendant Haag Engineering are hereby **DENIED AS MOOT**.

SO ORDERED AND ADJUDGED, this the 30th day of March, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE